

Applicant: KRAENZEL

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### REMARKS

In response to the Final Office Action mailed October 18, 2007 (hereinafter "Final Action"), no claims have been amended, cancelled, or newly added. Therefore, claims 1-57 remain pending. In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

#### REJECTIONS UNDER 35 U.S.C. §103

Claims 1-3, 6-21, 24-31, 34-39 and 52-57 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,26,778 to Bode *et al.* ("Bode") in view of U.S. Patent Application Publication No. 2001/0049688 to Fratkina *et al.* ("Fratkina") [Final Action, pg. 3, ¶12]. Claims 4 and 32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Bode and Fratkina, further in view of U.S. Patent No. 6,976,018 to Teng *et al.* ("Teng") [Final Action, pg. 9, ¶13]. Claims 5 and 33 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Bode and Fratkina, further in view of U.S. Patent No. 7,185,001 to Burdick *et al.* ("Burdick") [Final Action, pg. 10, ¶14]. Claims 22, 23, 50 and 51 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Bode and Fratkina, further in view of Official Notice [Final Action, pg. 12, ¶15].

Applicant traverses these rejections for *at least* the reason that the Examiner has failed to establish a *prima facie* case of obviousness. In particular, assuming arguendo that it were

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legally proper to combine Bode and Fratkina (which Applicant does not concede), the combination of Bode and Fratkina fails to disclose, teach, or suggest each and every feature of independent claims 1, 29 and 57.

For example, independent claim 1 recites, *inter alia*, the feature(s) of:

a monitoring module that monitors, via the first interface, a communication between a user associated with the remote client and at least one other individual.

Independent claim 29 similarly recites:

monitoring, via the first interface, a communication between a user associated with the remote client and at least one other individual.

Independent claim 57 likewise recites:

monitoring means for monitoring a communication between a user associated with a remote client and at least one other individual.

As conceded by the Examiner, Bode fails to disclose, teach, or suggest monitoring “a communication *between a user* associated with the remote client *and at least one other individual*” [Final Action, pg. 4, *emphasis in original*]. The Examiner alleges, however, that Fratkina discloses this feature. Applicant disagrees with this contention.

Fratkina, for example, discloses a dialog engine that facilitates “an electronic interaction *between a human being and a machine* (computer or other device including for example a telephone or Personal Data Assistant)” [Fratkina, ¶ [0042], *emphasis added*].

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Paragraph [0225] of Fratkina, which is relied upon by the Examiner, recites:

For example, escalate can cause a 'live chat' type of interaction with a human to appear within the user's web browser or other software client ***being used to interact with the dialog engine***. The escalate action can cause some or all of the dialog state information to be forwarded to the human service representative at the other end of the live chat, thus allowing them to provide higher-quality service by knowing what questions, follow-up, documents, etc., ***the user has viewed and chosen during the dialog interaction so far***.

***[Emphasis added]***

While the foregoing passage of Fratkina may disclose a communication between individuals (*i.e.*, the user and a human service representative), it appears that the human service representative is merely assisting the user in the user's interaction with the dialog engine. Fratkina is silent regarding monitoring any interaction between the user and at least one other individual (*e.g.*, the human service representative).

Moreover, FIGS. 19-21 of Fratkina (which are also cited by the Examiner) appear to illustrate an exemplary analogy of a dialog that occurs when a person walks into a restaurant to order a meal [Fratkina, *e.g.*, ¶'s [0038] and [0384]]. In particular, Fratkina recites: "For the purposes of this example, assume that all service in this particular restaurant are provided by the present invention ***with the help of robots*** to deliver 'documents' (or dishes) to the customers" [Fratkina, ¶ [0384], ***emphasis added***]. Thus, these figures also appear silent with regard to monitoring a communication between individuals.

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For *at least* the foregoing reasons, the rejection of independent claims 1, 29 and 57 under 35 U.S.C. § 103(a) is improper and should be withdrawn. Dependent claims 2-28 and 30-56 are allowable because they depend from the allowable independent claims, as well as for the further features they recite.

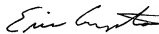
### CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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